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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/993,930
Filing Date: November 16, 2001
Appellant(s): FLICK, KENNETH E.

Jeremy B. Berman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 19, 2008 appealing from the Office action mailed October 19, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is contained in the brief.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,529,980	Liotine et al.	7-1985

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-13, 15-24, 26-29, 31-34, 36, 37, 39-48, 50-60 and 62-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Liotine et al. (US# 4,529,980).

Referring to claims 1, 13, 34, 48 and 60, Liotine et al. disclose a method and remote control system for garage door openers and other devices as recited in claims 1, 13, 24, 29, 34, 48 and 60. See Figures 1-9 and respective portions of the apparatus and method.

Liotine et al. disclose the remote control system for garage door openers and other devices include a flashing ready signal to indicate to the operator that the programming cycle has been completed (column 1 lines 52 to 55; see Figure 2),

at least one uniquely coded remote transmitter (9) (column 2 lines 44 to 58; see Figure 1); and a receiver (30) being switchable by a program mode switch (41) to a programming mode for learning a unique code of a remote transmitter (9) to define a learned remote transmitter (9), said receiver (30) also being switchable to a door moving mode (i.e. a normal mode) for moving the access door based upon receiving a signal from the learned remote transmitter (9) (column 3 lines 10 to column 4 lines 34; see Figures 3 and 4);

said receiver (30) cooperating with said the flashing ready signal to indicate to the operator that the programming cycle has been completed based upon said receiver (30) being switched to the normal mode by the program switch being opened (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 2 to 4).

Referring to Claims 24 and 29, Liotine et al. disclose a remote control system for moving an access door, to the extent as claimed with respect to claim 1 above, said controller cooperating with said at least one indicator for continuously or repeatedly (i.e. state of repeatedly flash to indicate the program is completed is continuously indicating) a new uniquely coded remote transmitter has been learned (column 5 lines 30 to 34; see Figure 2).

Referring to claims 3, 15, 39, 50 and 62, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein indication of whether a new uniquely coded remote transmitter has been learned comprises indicating (i.e. flashing) a change in a number of learned remote transmitters (i.e. output selected channel for approximately 6 second) (column 5 lines 2 to 16; see Figure 4).

Referring to claims 4, 16, 40, 51 and 63, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 29, 34, 48 and 60, wherein said receiver (30) cooperates with said at least one indicator for indicating a change in a unique code of learned remote transmitters (column 5 lines 30 to 34; see Figure 4).

Referring to claims 5, 17, 26, 31, 36, 52 and 64, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein said at least one indicator comprises at least one of a visual flashing ready signal (column 5 lines 30 to 34; see Figure 2).

Referring to claims 6, 18, 27, 32, 41, 53 and 65, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, further comprising a remote door switch (22) for switching said receiver (30) to the door moving mode (column 2 lines 52 to 58; see Figure 1).

Referring to claims 7, 37, 42, 54 and 66, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 29, 34, 48 and 60, further comprising a remote indicator switch (41) (i.e. a program mode switch) for causing said receiver (30) to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 1 to 4).

Referring to claims 8, 19-20, 43, 55 and 67, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, further comprising: at least one light connected to said controller and being energized when said controller is switched to the door moving mode; and a remote light switch for also causing said at least one light to be energized, and for causing said controller to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 1 lines 50 to 59; column 5 lines 30 to 34; see Figures 1 to 4).

Referring to claims 9, 21, 44, 56 and 68, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 34, 48 and 60, wherein said at least one uniquely coded remote transmitter comprises a learned transmitter indicator switch (16-19) (i.e. number of channel select inputs) for causing said receiver (30) to cooperate with said at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned (column 2 lines 48 to 58; column 3 lines 57 to 61; see Figure 1).

Referring to claims 10, 22, 45, 57 and 69, Liotine et al. disclose the method and the remote control system according to Claims 9, 21, 44, 56 and 66, wherein said receiver comprises a RF receiver (32) and a transmitter (36) and wherein said at least one uniquely coded remote transmitter (9) comprises a remote a RF receiver (21) and a transmitter (11) (column 2 lines 44 to column 3 line 8; see Figures 1 and 3) and a remote indicator associated therewith so that selection of said learned transmitter indicator switch (16-19) (i.e. number of channel select inputs) causes said receiver (30) to cooperate with said remote indicator via said RF

receiver/transmitter and programming signal receiver/transmitter for indicating whether a new uniquely coded remote transmitter (9) has been learned (column 1 lines 45 to 59; column 5 lines 30 to 34).

Referring to claim 11, 46, 58 and 70, Liotine et al. disclose the method and the remote control system according to Claims 1, 34, 48 and 60, wherein the learned remote transmitter transmits a pseudo randomly coded signal to said receiver (30) (column 1 lines 42 to 48; column 3 lines 34 to 43; column 4 lines 47 to 54; see Figures 1 and 3).

Referring to claim 12, 23, 28, 33, 47, 59 and 71, Liotine et al. disclose the method and the remote control system according to Claims 1, 13, 24, 29, 34, 48 and 60, wherein the access door comprises a garage door (column 1 lines 18 to 22).

(10) Response to Argument

A. With respect to Claims 1 and 48, the appellant argues on section (A) starting first paragraph, page 9, that the rejections of claims 1 and 48 are overcome.

Appellant's arguments with respect to the invention in Liotine et al. does not teach or suggest that the controller cooperating with the indicator for indicating whether a new uniquely coded remote transmitter has been learned based upon the controller being switched to the door moving mode is not persuasive.

As defined by claim 1, the transmitter and receiver system for controlling the coding in a transmitter and receiver of Liotine et al. that when it is desired to change the identification code,

a program mode switch 41 is closed in the receiver and the micro-computer recalls from the non-volatile memory the last stored code. Using this code as a start, it performs a random number generation algorithm and stores the newly generated code in the non-volatile memory and immediately transmits the new code through a light emitting diode 36. The transmission format with the light emitting diode 36 at the receiver continues until the program mode switch is turned off. During the energization of the light emitting diode in the receiver, the transmitter is placed in close proximity to the receiver so that it detects the code from the light emitting diode and the new code is then stored in the memory of the transmitter which then produces a flashing ready signal to indicate to the operator that the programming cycle has been completed. Although in this specification the code is shown as being generated in the receiver, it is to be realized that the code could also be generated in the transmitter and furnished to the receiver (column 1 lines 39 to 59; see Figures 1 to 4). When the program switch 41 is opened the receiver 30 is returning to the normal mode of operation with newly generated code stored in the non-volatile memory 34. If a programming signal is received, the transmitter 9 decodes the incoming information and if the checksum is correct stores the new code in its non-volatile memory 13 and outputs a flashing ready signal by LED 92 to indicate that the programming cycle has been completed (column 5 lines 30 to 34; see Figure 2). Clearly, the programming of the new transmitter or receiver is finished when the program switch is opened and the indicator flashing ready signal to indicate the programming cycle has been completed, which also indicates that a new code has been learned. In other words, the controller cooperating with the indicator for indicating whether a new uniquely coded remote transmitter has been learned based upon the controller being switched to the door moving mode.

It is to be noted that the completion of the programming mode is also the start of the door moving mode, ie when the programming is finished, the door moving mode starts. Therefore indicating the end of the programming mode is also indicating the beginning of the door moving mode (or regular use mode).

Furthermore, the transmitter 9 must received a valid programming signal for the transmitter 9 to decode. If the transmitter 9 is not received a valid programming signal, the transmitter 9 is in operational mode. As long as the programming switch 41 is closed (i.e. in programming mode), the transmitter 9 is in programming mode (column 5 lines 30 to 34; column 6 lines 40 to 46; see Figures 2 and 4). Therefore, the transmitter LED 92 lights based upon the programming cycle being completed and continuous to lights until the program mode switch 41 is in opened. In other words, the transmitter LED 92 indicates whether a new uniquely code has been learned.

Additionally, as shown in Figure 2, the software flow chart of the transmitter (9), after the valid checksum of the valid programming signal the non-volatile memory is programmed by the microcomputer 12). At this point, programming the transmitter (9) is completed. In other words, the microcomputer (12) is switching to the door moving mode and is used the newly programming code because the only function available after the step of programming the memory is to move the door. After the non-volatile memory is programmed, the flashing ready signal to indicate that the programming cycle has been completed.

Furthermore, the mode of the microcomputer is changed from programming mode to a normal mode after the non-volatile memory is programmed or completed. After the non-volatile memory is programmed, the flashing ready signal to indicate that the programming cycle has been completed. In other words, the flashing ready signal is flash after the microprocessor is completely programmed with a new programming code and the microprocessor is ready to operate in the normal operating mode or the door moving mode. Clearly, Liotine et al. disclose the microcomputer (12) cooperating with said an indicator for indicating whether a new uniquely coded remote receiver (30) has been learned based upon said microcomputer (12) being switched to the door moving mode.

B. With respect to Claims 13 and 60, the appellant argues on section (B) page 11, that the rejections of Claims 13 and 60 are overcome.

Appellant's arguments with respect to the invention in Liotine et al. does not teach or suggest that at least one remote switch causing the controller to cooperate with the at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned is not persuasive.

As discussed above, the transmitter 9 must receive a valid programming signal for the transmitter 9 to decode. If the transmitter 9 is not received a valid programming signal, the transmitter 9 is in operational mode. As long as the programming switch 41 is closed (i.e. in programming mode), the transmitter 9 is in programming mode (column 5 lines 30 to 34; column 6 lines 40 to 46; see Figures 2 and 4). Therefore, the transmitter LED 92 lights based upon the programming cycle being completed and continuous to lights until the program mode switch 41

is in opened. In other words, the transmitter LED 92 indicates whether a new uniquely code has been learned. Furthermore, the program mode switch 41 and the microcomputer 30 are cooperating with the LED 92 of the transmitter to indicate flash ready signal.

On page 11 last paragraph, Appellant's arguments with respect to the invention in Liotine et al. does not teach or suggest that at least one remote switch and that Liotine et al. disclose a program mode switch 41 is connected to the microcomputer by wire, rather than being remotely connected is not persuasive.

Liotine et al. disclose programming the newly code in the transmitter (9) (column 2 lines 59 to 61; see Figure 2). The program mode switch (41) connects to the microcomputer (33) in the receiver (30) (see Figure 3). Clearly, the program mode switch (41) is remotely from the transmitter (9). In other words, the program mode switch (41) is a remote switch. Therefore, Liotine et al. disclose a remote switch causing the controller to cooperate with the at least one indicator for indicating whether a new uniquely coded remote transmitter has been learned.

C. With respect to Claims 24 and 29, the appellant argues on section (C) second paragraph, page 12, that the rejections of Claims 24 and 29 are overcome.

Appellant's arguments with respect to the invention in Liotine et al. does not teach or suggest that the controller cooperating with the at least one indicator for continuously/repeatedly indicating whether a new uniquely coded remote transmitter has been learned is not persuasive

As discussed above, the transmitter 9 must receive a valid programming signal for the transmitter 9 to decode. If the transmitter 9 is not received a valid programming signal, the transmitter 9 is in operational mode. As long as the programming switch 41 is closed (i.e. in

programming mode), the transmitter 9 is in programming mode (column 5 lines 30 to 34; column 6 lines 40 to 46; see Figures 2 and 4). Therefore, the transmitter LED 92 lights based upon the programming cycle being completed and continuous or repeatedly to lights until the program mode switch 41 is in opened. As see in Figure 2, the flash ready indicator is in the loop until the switch 41 is closed. In other words, the transmitter LED 92 indicates whether a new uniquely code has been learned continuously or repeatedly. Furthermore, the program mode switch 41 and the microcomputer 30 are cooperating with the LED 92 of the transmitter to indicate flash ready signal.

D. With respect to Claim 34, the appellant argues on section (D) last paragraph, page 12, that the rejections of Claim 34 is overcome.

Appellant's arguments with respect to the invention in Liotine et al. does not teach or suggest that the controller cooperating with the at least one indicator for indicating that the learning mode has recently been exited is not persuasive

As discussed above, the transmitter 9 must receive a valid programming signal for the transmitter 9 to decode. If the transmitter 9 is not received a valid programming signal, the transmitter 9 is in operational mode. As long as the programming switch 41 is closed (i.e. in programming mode), the transmitter 9 is in programming mode (column 5 lines 30 to 34; column 6 lines 40 to 46; see Figures 2 and 4). Therefore, the transmitter LED 92 lights based upon the programming cycle being completed and continuous or repeatedly to lights until the program mode switch 41 is in opened or exited. In other words, the transmitter LED 92 indicates microcomputer (12) has recently been exited from the learning mode.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/N. V. N./
Examiner, Art Unit 2612

Conferees:

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